

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LORENZO SICONOLFI
13 CIRCLE DRIVE
PAWLING, NY 12564

Plaintiff,

VS.

08 Civ. 3331 (RJH)

COMPLAINT

METRO NORTH COMMUTER RAILROAD
347 MADISON AVENUE
NEW YORK, NY 10017
Defendant.

PLAINTIFF DEMANDS TRIAL BY JURY

1. The Plaintiff herein, Lorenzo Siconolfi, is a citizen of the State of New York residing at the above address.

2. Defendant, Metro North Commuter Railroad, is a common carrier by rail and organized and existing in the State of New York as a public entity by virtue of the laws of New York, whose principle place of business and address for service of process is 347 Madison Avenue, New York, New York 10017.

3. This suit is brought pursuant to Acts of Congress known as the Federal Employers' Liability Act, Title 45 U.S.C. Sec. 51-60.

4. At all times material hereto, the defendant, Metro North Commuter Railroad, was engaged in interstate commerce as a common carrier by railroad operating a line and system of railroads in the State of New York, and other states in the United States.

5. At the time and place hereinafter mentioned, the acts of omission and commission causing injuries to the Plaintiff were done by the defendant, its agents, servants, workmen and/or employees acting in the course and scope of their employment with and under the direct and exclusive control of the defendant.

6. At the time and place hereinafter mentioned the Plaintiff was employed by the defendant, and was acting in the scope of his employment by defendant and was engaged in the furtherance of interstate commerce within the meaning of said act.

7. All of the property, equipment and operations involved in this occurrence hereinafter referred to were owned and/or under the direct and exclusive control of the Defendant, its agents, servants and/or employees.

8. In or about 1984 through present, and for some time prior thereto, the Plaintiff while working within the scope of his employment with defendant, as an Electrician in New York, and other locations. As a result of this work, Plaintiff was injured due to unsafe and inadequate working conditions.

9. As a direct result of the defendant's negligence, through its agents, servants, workmen and/or employees, the Plaintiff suffered severe and disabling injuries, including but not limited to cumulative trauma.

10. The aforesaid occurrences were proximately caused in whole or in part by the negligence of the defendant and/or the negligence of the defendant's agents, servants, workmen and/or employees

11. As a direct result of the defendant's negligence, through its agents, servants, workmen and/or employees, the Plaintiff has been unable to attend to his usual duties and occupations, all of which caused substantial financial loss and all of which may and probably will continue in the future.

12. As a direct result of the defendant's negligence, through its agents, servants, workmen and/or employees, the Plaintiff has and may continue to be required to receive and undergo medical treatment and medical care, including surgery, and has incurred reasonable and necessary medical expenses, all of which may and probably will continue in the future.

13. As a direct result of the defendant's negligence, through its agents, servants, workmen and/or employees, the Plaintiff has sustained pain, suffering, inconvenience and a loss of enjoyment of life and may continue to suffer same for an indefinite period of time in the future.

WHEREFORE, the Plaintiff demands judgment against the defendant in an amount in excess of SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00) AND THE COST including interests and costs.

Law Offices of Michael Flynn, PC
Attorneys for Plaintiff
1205 Franklin Avenue
Garden City, NY 11530
(516) 877-1234

By: _____
MARC T. WIETZKE (MW1551)

AO 440 (Rev. 5/85) Summons in a Civil Action

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UNITED STATES DISTRICT COURT

SOUTHERN District of NEW YORK
LORENZO SICONOLFI,

Plaintiff,

SUMMONS IN A CIVIL ACTION

V.

CASE NUMBER:

METRO-NORTH COMMUTER RAILROAD,

Defendant.

TO: (Name and Address of Defendant)

Metro-North Commuter Railroad
347 Madison Avenue
New York, NY 10017

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Marc Wietzke, Esq., MW1551
Law Offices of Michael Flynn, PC
1205 Franklin Avenue
Garden City, NY 11530
(516) 877-1234

an answer to the complaint, which is herewith upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

CLERK

DATE

BY DEPUTY CLERK

AO 440 (Rev. 5/85) Summons in a Civil Action

RETURN OF SERVICE

DATE

Service of the Summons and Complaint was made by me¹ _____

NAME OF SERVER

TITLE

Check the box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served: _____

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____

☐ Returned unexecuted: _____

☐ Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.